

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits – KCCMP – ICB-03 – Excavation and formation of inlet channel from km 119.650 of K.C.Canal to Alaganur Balancing Reservoir including CM & CD works entrusted to M/s Harvins (P) Ltd, Hyderabad - OS No.14/2002 & O.S.No.32/2002 – Sanction of half of the decretal charges for an amount of Rs.5,34,20,922/- – accorded - orders - Issued.

IRRIGATION & CAD (M&MI-R.III.1) DEPARTMENT

G.O.Ms.No. 14

Dated:25.02.2012

Read the following:-

1. From the Chief Engineer(P), Irrigation, Kurnool, Lr.No.CE(P)/KNL/DEE.1/AE/KCC-Arb/285^{Govt.}, dated:3.10.2011.
2. Govt.Memo.No.23775/M&MI-R.III/A1/2011, dt.2.11.2011.
3. From the Chief Engineer(P), Irrigation, Kurnool, Lr.No.CE(P)/Irgn/KNL/AB/A1/L.3/Vol.6/309 Govt., dated:3.11.2011.

ORDER :

The Chief Engineer(P), Irrigation, Kurnool in the letters 1st & 3rd read above has reported that the work "excavation and formation of inlet channel from km 119.650 of K.C.Canal to Alaganur Balancing Reservoir including CM & CD works" under ICB-03 Package was administratively sanctioned for Rs.15.15 Crores vide G.O.Rt.No.495, I & CAD (PW.TBP2) Department, dt.18-6-1998 and technically sanctioned for Rs.1649 Lakhs vide Chief Engineer (P), Tungabhadra, Kadapa No.18/1998-99.

2. Tenders were called for vide Tender Notice No.ICB-03/04/8/98-99, dt.10-9-1998 and the work was entrusted to M/s Harvin Constructions Private Ltd, Hyderabad vide Agt.No.SE/CCII/53/1998-99, dt.11-3-1999 at tender percentage (+) 15.796% than ECV. The work was completed during 2002.

3. During execution of work, certain disputes were raised by the contractor regarding payment of compensation for idle charges of men and machinery for an amount of Rs.10,10,00,808/-. The disputes were referred to Technical Expert by the contractor and Technical Expert upheld the contentions of the contractor.

4. The department filed suit O.S.No.14/2002 and O.S.No.32/2002 in the court of II Additional District Court, Kurnool seeking a direction to set aside the decision of Technical Expert.

5. The Hon'ble Court of II Additional District Court, Kurnool delivered Judgement and decreed on 25-11-2010 in O.S.No.14/2002 & 32/2002 in favour of the contractor.

6. The department filed an appeal suit before the Hon'ble High Court of A.P. challenging the Judgement and decree dt.25-11-2010 of the Hon'ble II Additional District Court, Kurnool.

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7. The Hon'ble High Court of A.P. by orders dt.25-7-2011 in ASMP No. 1412/2011 in A.S.No.424/2011 and in ASMP No.1413/2011 in A.S.No. 425/2011 stayed the execution of the decree under appeal on condition that the appellant has to deposit half of the decretal amount within a period of 10 weeks.

8. The Chief Engineer(P), Kurnool has therefore reported that an amount of Rs.5,34,20,922/- as shown below is to be deposited in Lower court i.e. Principal District Judge, Kurnool within ten weeks and requested the Government to sanction the amount and release funds.

<u>O.S.No.</u>	:	<u>Amount to be deposited</u>
O.S.No.14/2002	:	Rs.2,28,85,701
O.S.No.32/2002	:	<u>Rs.3,05,35,221</u>
Total	:	Rs.5,34,20,922

9. The matter has been examined in consultation with Law Department/Finance(W&P)Department and it is decided to deposit half of the decretal amount as ordered by the Hon'ble High Court in its order dt.25-7-2011 and accordingly sanction is accorded for an amount of Rs.5,34,20,922/- (Rupees five crores thirty four lakhs twenty thousand nine hundred and twenty two only) to the Chief Engineer(P), Irrigation, Kurnool to deposit the decretal amount as ordered by the High court.

10. The expenditure sanctioned in para (9)above shall be debited to the Head of Account "4700-01-109-KCC - 11 NSP - SH 27C&D 530/531 O.E., (Charged)".

11. The Chief Engineer(P), Irrigation, Kurnool shall take further action in the matter.

12. This order issues with the concurrence of Finance(W&P) Department vide their U.O.No.606/F5(A2)/12-3, dated:18.2.2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA
SECRETARY TO GOVERNMENT

To
The Chief Engineer(P), Irrigation, Kurnool.
Copy to:-
The Accountant General, A.P, Hyderabad.
The Director of Works & Accounts, Hyderabad.
The Finance (W&P)Department.
The OSD to M(M&MI).
The PS to Secretary (RRM).
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER